

## **REMARKS**

Reconsideration of the rejection of the subject matter of this application is requested.

### **Status of Claims**

Claims 28-30 and 32-35, and 40 stand withdrawn from consideration as non-elected. (Claim 40 was erroneously included among the elected claims in the last response and the last Office action.) Claims 36-39, 41 and 42 remain for consideration.

### **The Drawing**

The drawing appears to be acceptable.

### **Amendments**

No substantive amendments have been made that would lead to new issues and permit a Final Rejection based on newly relied on prior art.

### **Rejections of Record**

Rejections of record to which this paper responds are:

Claim 28 stands rejected under 35 U.S.C. 112. However, claim 28 is non-elected.

Claims 36-39, 41 and 42 stand rejected under 35 U.S.C. 102(b) as

met by Kondo.

### Argument

In earlier papers in this prosecution the Kondo patent has been analyzed and argued in some detail. Applicant relies on those arguments in this response as if they were incorporated in this paper.

It may be expected that the rejection of record of claims 36-39, 41 and 42 citing 35 U.S.C. 102 as the statutory basis will not be affirmed due to several indications in the record that Kondo does not anticipate the rejected claims.

In an Office Action dated 04/17/03 claims 36-39 were rejected under 35 U.S.C. 103 in view of a combination of Kondo and Davis et al.

In an Office Action dated 10/06/03 claims 36-38 were rejected under 35 U.S.C. 103 in view of a combination of Kondo and Nelson. Claim 39 was rejected under 35 U.S.C. 103 in view of a combination of Kondo and Nelson and Davis et al.

In a Final Office Action dated 04/26/04 claims 36-38 were rejected under 35 U.S.C. 103 in view of a combination of Kondo and Nelson. Claim 39 was rejected under 35 U.S.C. 103 in view of a combination of Kondo and Nelson and Davis et al. Claims 41 and 42 were found allowable in substance.

In an Office Action dated 10/24/06 claims 36-38 were rejected under 35 U.S.C. 103 in view of a combination of Kondo and Gardner. Claim 39 was rejected under 35 U.S.C. 103 in view of a combination of Kondo and Gardner and Davis et al. Claims 41 and 42 were again found allowable in substance.

In view of these former conclusions the current rejection appears untenable.

Addressing the rejection based on the Kondo patent, the Kondo patent teaches a substrate resistor, a field plate over the resistor, and metal conductors over the field plate. Fig. 1B of Kondo shows the structure clearly. The resistor is shown at 2, and the overlying field plate at 7. Contact 20 is the contact for the field plate. The focus here should be on the contacts to the resistor body 2. Both of the contacts, 4-1 and 4-2, are displaced to either side of the field plate. The chip area consumed to implement the field plate in this structure includes the area of the field plate, plus the area of the first resistor contact 4-1, plus the area of the second resistor contact 4-2.

By contrast, in applicant's claimed field plate implementation, the chip area consumed is the area of the field plate, plus the area of the second resistor contact 82. The first resistor contact 46 does not add to the chip area consumed since it resides below the field plate itself.

The Examiner has acknowledged this absent feature in the Kondo patent, by citing secondary references purported to show that aspect of applicants' invention. All of the secondary art referred to above has been argued and, in applicant's view, successfully overcome.

In view of these amendments and remarks, reconsideration and allowance of claims 36-39, 41 and 42 is requested.

In the event that the Examiner concludes that a telephone call would

advance the prosecution of this application, the Examiner is invited to call the undersigned attorney at Area Code 757-258-9018.

Respectfully,

Peter V.D. Wilde  
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Date: \_\_\_\_\_

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